

MONDAY, February 9, 1852.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Bigelow presented the petition of Peter Nichols ; read, and referred to the committee on Finance.

Mr. Grimes made the following report :

The committee on Finance, to whom was referred a bill to provide for the liquidation and payment of interest upon the home debt of the late Republic of Texas ; a bill to provide for obtaining possession and control of the five million stock bonds due by the United States to Texas, and the interest thereon ; a bill for the relief of McKinney and Williams ; the petition of sundry persons in New Orleans, asking interest on second class claims issued for supplies furnished the navy of Texas ; the petition of Ann Brown, asking interest on her claims. All these bills and petitions will be provided for should the bills pass that have been under consideration in the two Houses. A bill for the relief of Julia A. Sweet ; your committee have no evidence before them to substantiate the claim and justify them in recommending relief—they, therefore, return the bills and petitions, and ask to be discharged from the further consideration of each and all of them.

Mr. Grimes also made the following report :

The committee on Finance, to whom was referred the claim of F. Giraud, architect, for drawing a plan for a State capitol, with estimates of cost, as required by the Governor, acting in conformity with a resolution of the Senate. This claimant demands three hundred and fifty dollars for his services. Mr. Giraud's residence is at San Antonio, as your committee are advised, and that he visited Austin twice to obtain the information required, at some expense and loss of time to himself, which should be taken into consideration, as well as the labor of drawing the plan. Taking all these matters under consideration, your committee, though not possessing a knowledge of the value of such work, must come to the conclusion that the sum demanded is exorbitant ; but as none, it is presumed, would refuse to fully compensate him for his labors, have reported a bill for his benefit, leaving a blank for the amount of the appropriation, and recommend that the blank be filled with such sum as the Senate may deem just and proper, and that the bill be passed.

A bill making an appropriation to pay F. Giraud for a plan and estimates of cost of a State Capitol ; read first time.

Mr. Grimes made the following report :

AUSTIN, February 9, 1852.

The Finance committee, to whom was referred a bill making an appropriation for the purposes therein named, with an amendment, have considered the bill, which is to make an appropriation to pay claims that were filed with the Auditor and Comptroller prior to the expiration of the law to ascertain the debt of the late Republic, and have since been audited and reported. Your committee are of opinion that these claims are justly entitled to pay in the manner prescribed for the payment of claims of a like nature by an act passed the 31st January, 1852, providing for the liquidation and payment of the debt of the late Republic of Texas. They, therefore, report the bill back to the Senate, and recommend the adoption of the referred amendment to the caption, and the following amendment to come in at the end of 1st section, to wit :

“Which shall be paid in the manner prescribed for the payment of claims of a like nature, by an act passed the 31st day of January, 1852, providing for the liquidation and payment of the debt of the late Republic of Texas.”

JESSE GRIMES, Chairman.

Mr. Duggan made the following report :

The committee on Enrolled bills have examined the following :

An act for the relief of the heirs of Felix A. Richardson, deceased ;

An act for the relief of Julian Sanchez ;

An act for the relief of John Bethea ;

An act for the relief of William Cummins, Robert T. Hughs and Reuben Crawford.

All of which are correctly enrolled, and were on the 7th inst., submitted to the Governor for his signature.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, to wit :

A bill for the relief of Elijah Emberson and Samuel C. Doss ;

A bill for the relief of Wm. C. Swearingen or his legal assigns ; a bill to repeal a joint resolution for the punishment of vagrants, approved January 10, 1839 ;

A bill to change and define the boundaries of the counties of Sabine and Jasper ;

A bill enabling persons who have lost their evidence of claim against the late Republic or State of Texas, to obtain duplicates ;

And a bill to provide for distributing public arms to the 6th

military division of the State, of Texas, organized at the present session of the Legislature.

Mr. Davis, chairman of the committee on State Affairs, to which was referred a bill to provide for the erection of a Capitol for the State of Texas, reported the same back, and recommended its passage.

Mr. Eddy made the following counter report :

The undersigned, one of the committee on State Affairs, to which was referred the bill to provide for the erection of a Capitol for the State of Texas, begs leave to dissent from all the provisions contained in said bill, and enter his minority report.

Z. WMS. EDDY, One of the committee.

Mr. Bigelow introduced a bill granting further time to Adolphus Glavecke, former assessor and collector of Cameron county, under certain conditions ; read first time.

On motion of Mr. Bigelow, the rule was suspended, bill read second time, and referred to the committee on Finance.

Mr. Bigelow introduced a bill for the relief of Peter Nichols, sheriff of Cameron county ; read first time.

On motion of Mr. Bigelow, the rule was suspended, bill read second time, and referred to the committee on Finance.

Mr. Gray introduced a bill to encourage the making of plank and other turnpike roads ; read first time, and, on motion of Mr. Gray, the rule was suspended, bill read second time, and referred to the committee on Internal Improvements.

ORDERS OF THE DAY.

A bill for the relief of persons who have hypothecated their evidence of claim against the late Republic of Texas ; read, and re-committed to the committee on Engrossed bills.

Joint resolution to provide for amending 30th section of the general provisions of the constitution ; read third time, and rejected by the following vote :

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Eddy, Gray, Grimes, Meusebach, Scott, Taylor, Truit, Williams and Wilson—13.

NAYS—Messrs. Armstrong, Burks, Duggan, Ford, Hill, Parker, Reaves and Sterne—8 ; two-thirds not voting for it.

A bill for the relief of William Goynes ; read third time, and passed by the following vote :

YEAS—Messrs. Armstrong, Bigelow, Bogart, Eddy, Ford, Grimes, Parker, Sterne, Truit and Wilson—10.

NAYS—Messrs. Burks, Dancy, Davis, Duggan, Gray, Merri-man, Meusebach, Scott and Taylor—9.

The following bills were severally read third time and passed, to wit :

A bill to provide for distributing public arms to the sixth military division of the State of Texas, organized at the present session of the Legislature ;

A bill to repeal a joint resolution for the punishment of vagrants, approved January 10, 1839 ;

A bill to create the county and territory of Bell into a separate land district.

A bill for the relief of William R. Smith and others ; read first time, and, on motion of Mr. Parker, the rule was suspended, bill read second time, and referred to the committee on Private Land Claims.

A bill to regulate mustang chases ; read first time, and, on motion of Mr. Bigelow, the rule was suspended, bill read second time, and referred to the committee on State Affairs.

A message was received from the House, informing the Senate that the House had passed a bill to provide for the publication of an abstract of land titles ; and

Joint resolution for the relief of the company of Rangers commanded by Captain William Becknell, in the year 1837, with amendments. Also, the following bills which originated in the Senate, to wit :

A bill for the relief of the heirs of Mrs. Nancy Anderson ;

A bill supplementary to an act, approved January 28th, 1850, concerning the incorporation of the city of Nacogdoches ;

A bill for the relief of James McWilliams ;

A bill to authorize John Nelson, Andrew Stapp, Leroy Clement and their associates, to construct a bridge and turnpike road across the east fork of Trinity, in Collin county ;

A bill for the relief of the heirs of James Goacher, senior, deceased ; and

A bill to declare the Town Book of Seguin, in Guadalupe county, a book of record.

Also, that the House had passed the following bills which originated in the House, viz :

A bill to incorporate LaGrange Collegiate Institute ;

A bill for the relief of Joel B. Hardin and Peter High, colonists of Mercer's colony ;

Joint resolution recommending General Sam Houston for the Presidency of the United States ; read first time.

On motion of Mr. Davis, the rule was suspended by the following vote :

YEAS—Messrs. Armstrong, Bigelow, Bogart, Burks, Davis,

Doane, Eddy, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Parker, Reaves, Sterne, Taylor, Truit and Williams—19.

NAYS—Messrs. Dancy, Hart, Scott and Wilson—4.

The joint resolution read second time.

Mr. Taylor offered the following as a substitute :

“Resolved by the Senate, the House of Representatives concurring, that the Legislature of the State of Texas recommend to the Democracy of the United States, the name of General Sam Houston as a suitable candidate for the next Presidency ;” rejected by the following vote :

YEAS—Messrs. Armstrong, Burks, Dancy, Hart, Merriman, Scott, Taylor and Wilson—8.

NAYS—Messrs. Bogart, Davis, Eddy, Gray, Grimes, Hill, Meusebach, Parker, Reaves, Sterne, Truit and Williams—12.

Mr. Dancy moved to amend by striking out “General Sam Houston,” and inserting “S. A. Douglass ;” lost.

Mr. Dancy moved to strike out “Gen. Sam Houston,” and insert “Gen. Lewis Cass ;” lost.

Mr. Scott moved to strike out “Gen. Sam Houston,” and insert “Thomas J. Rusk ;” lost.

Mr. Dancy offered the following amendment :

Strike out in section 3, the words “may be,” and insert “have been ;” lost.

The bill then passed to third reading by the following vote :

YEAS—Messrs. Armstrong, Bigelow, Bogart, Davis, Eddy, Ford, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Parker, Reaves, Sterne, Truit and Williams—17.

NAYS—Messrs. Burks, Dancy, Scott, Taylor and Wilson—5.

On motion of Mr. Davis, the rule was further suspended, resolution read third time, and passed by the following vote :

YEAS—Messrs. Armstrong, Bigelow, Bogart, Davis, Doane, Eddy, Ford, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Parker, Reaves, Sterne, Truit and Williams—18.

NAYS—Messrs. Dancy, Scott, Taylor and Wilson—4.

Joint resolution authorizing a settlement of the accounts of George W. Smyth, on account of the building of a Land Office, &c. ; read first time, and, on motion of Mr. Eddy, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Eddy, the rule was further suspended, bill read third time and passed.

Mr. Meusebach introduced a bill to extend the provisions of an act supplementary to an act to secure to the German Emigration company, and their colonists, the lands to which they are entitled, and to adjust the liabilities of said company, approved

December 2nd, 1850; read first time, and, on motion of Mr. Meusebach, the rule was further suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Meusebach, the rule was further suspended, bill read third time and passed.

Mr. Armstrong introduced a bill better to define the boundary line of the county of Williamson; read first time, and, on motion of Mr. Armstrong, the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Armstrong, the rule was further suspended, bill read third time, and passed.

The Senate concurred in the amendments of the House to a bill to provide for the publication of an abstract of land titles; and joint resolution for the relief of the company of Rangers commanded by Captain William Becknell, in the year 1837.

A bill to amend an act to organize county courts, approved March 16, 1848; read first time, and, on motion of Mr. Parker, the rule was suspended, bill read second time, and referred to the committee on the Judiciary.

Mr. Bigelow offered the following resolution:

Resolved, That no Senator shall be allowed to speak upon any question more than 15 minutes at any one time during the remainder of this session, and that the Senate will receive no new business after 11 o'clock, on Tuesday, the 10th day of the present month.

Mr. Duggan made the following report:

The committee on Enrolled bills have examined the following:

An act for the relief of the heirs of William Guyman, a deceased soldier;

An act for the relief of Zachariah L. Stringer;

An act requiring the Adjutant-General to issue to Noah Smithwick, his heirs or assigns, a bounty land warrant for 1,280 acres of land;

Joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to use their exertions to obtain indemnity from the government of Mexico for spoliations committed upon the property of S. A. Belden.

All of which are correctly enrolled, and were this day submitted to the Governor for his signature.

Mr. Reaves made the following report:

The undersigned, chairman of the committee on Engrossed Bills, begs leave to state that heretofore he reported back to the Senate as correctly engrossed, a bill for the relief of persons who have hypothecated their evidence of claim against the late Re-

public of Texas, which report was true so far as the original bill and amendments were presented to him.

Your committee are satisfied that there were amendments made to the original bill which were not attached to the bill when it was presented to them, but how it happened that they were not attached he does not know.

The bill having been re-referred to him, he does not know what else to do with the bill, other than to report the same back to the Senate as correctly engrosed, according to the best evidence before him, and ask to be discharged from the further consideration of the bill. All of which is respectfully submitted.

STEPHEN REAVES, Chairman.

A bill to provide for the election of all officers created by the charters and boards of aldermen of the cities of Galveston and Houston ; read first time, and, on motion of Mr. Parker, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Gray, the rule was further suspended, bill read third time and passed.

A bill for the relief of Joel B. Hardin and Peter High, colonists of Mercer's colony; read first time, and, on motion of Mr. Scott, the rule was suspended, bill read second time, and referred to the committee on Private Land Claims.

A bill to amend the statute of limitations, approved February 5, 1841 ; read first time.

On motion of Mr. Wilson, the rule was suspended, bill read second time, and referred to the committee on the Judiciary.

A bill to incorporate the LaGrange Collegiate Institute ; read first time, and, on motion of Mr. Dancy, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Dancy, the rule was further suspended, bill read third time, and passed by a constitutional majority.

A bill to incorporate Red Mount Seminary, in the county of Sabine ; read first time ; rule suspended, bill read second time, and passed to third reading.

On motion of Mr. Truit, the rule was further suspended, bill read third time, and passed by a constitutional majority.

A bill for the relief of Marcello Granger and Michael Peveto ; read first time ; rule suspended, bill read second time, and, on motion of Mr. Scott, referred to the committee on Private Land Claims.

A bill for the relief of Jefferson C. Parrish ; read first time, and, on motion of Mr. Williams, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Williams, the rule was further suspended bill read third time and passed.

A bill for the relief of Mary Nail ; read first time, and, on motion of Mr. Truit, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Truit, the rule was further suspended, bill read third time and passed.

A message was received from the House, informing the Senate that the House had passed a bill to incorporate the Corpus Christi Navigation company, with amendments.

A bill for the relief of Harriet Merritt and heirs ; read first time, and, on motion of Mr. Eddy, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Eddy, the rule was further suspended, bill read third time and passed.

A bill to authorize Preston Witt and Wade H. Witt, to locate a tract of land embracing a portion of the channel of the west fork of the Trinity river, and to construct and erect a mill thereon ; read first time.

On motion of Mr. Bogart, the rule was suspended, and bill read second time

On motion of Mr. Williams, referred to the committee on the Judiciary.

A bill for the relief of Daniel C. Cloud ; read first time.

A bill to prevent the locating and patenting of certain lands in Bexar county ; read first time ; rule suspended, read second time, and, on motion of Mr. Williams, referred to the committee on the Judiciary.

A bill for the benefit of Jackson H. Griffin ; read first time, and, on motion of Mr. Davis, the rule was suspended, bill read second time, and, on motion of Mr. Wilson, referred to the committee on the Judiciary.

A bill to authorize E. M. Gray to build a toll bridge across the west fork of Angelina river ; read first time, and, on motion of Mr. Parker, the rule was suspended, bill read second time, and referred to the committee on Roads, Bridges and Ferries.

A bill supplementary to an act to establish the University of Eastern Texas, approved March 8, 1848 ; read first time, and, on motion of Mr. Eddy, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Eddy, the rule was further suspended, bill read third time and passed.

Mr. Ford offered the following resolution :

Resolved, That the committee on Indian Affairs be instructed

to inquire into the expediency of calling the attention of our Senators and Representatives in Congress, and of the Government of the United States, to the defenceless condition the withdrawal of the troops from their former line has left the frontier of Texas; and to impress upon them the indispensable necessity of increasing the mounted force, in order to give protection to citizens and property; read, and, on motion of Mr. Gray, the rule was suspended, and resolution adopted.

A bill for the relief of persons who have hypothecated their evidence of claim against the late Republic of Texas; read third time.

On motion of Mr. Dancy, the 1st proviso in 1st section was stricken out, and bill passed by the following vote:

YEAS--Messrs. Armstrong, Bigelow, Bogart, Doane, Duggan, Eddy, Ford, Grimes, Hill, Merriman, Meusebach, Parker, Scott, Truit, Williams and Wilson--17.

NAYS--Messrs. Bogart, Davis, Hart, Reaves and Taylor--5.

On motion of Mr. Eddy, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met--roll called--quorum present.

A bill to incorporate the Corpus Christi Navigation company, with amendments from the House, was read, and amendments concurred in.

A bill to carry into effect the judgment of the district courts in the suits instituted by Empresarios, and decided in their favor; read first time.

A bill to locate the county seat of Calhoun county; read first time, and, on motion of Mr. Wilson, the rule was suspended, bill read second time, and referred to the committee on Counties and County Boundaries.

A bill to incorporate the Sulphur Springs, in Hopkins county; read first time, and, on motion of Mr. Hart, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Williams, the rule was further suspended, bill read third time and passed.

A bill to incorporate the town of Henderson, in Rusk county; read first time, and, on motion of Mr. Reaves, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Reaves, the rule was further suspended, bill read third time and passed.

A bill to incorporate the Richmond male and female Academy; read first time, and, on motion of Mr. Wilson, the rule was suspended, and bill read second time.

Mr. Wilson offered the following amendment :

In 3rd section, strike out "January," and insert "May;" adopted, and bill passed to third reading.

On motion of Mr. Wilson, the rule was further suspended, bill read third time, and passed by a constitutional majority.

A bill creating a board of trustees for the county of Bastrop; read first time, and, on motion of Mr. Dancy, the rule was suspended, bill read second time, and referred to the committee on Counties and County Boundaries.

A bill for the relief of John Brown, (red); read first time, and, on motion of Mr. Reaves, the rule was suspended, and bill read second time, and passed to third reading.

On motion of Mr. Gray, the rule was further suspended, bill read third time and passed.

A bill for the relief of George Eaton; read first time, and, on motion of Mr. Reaves, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Reaves, the rule was further suspended, bill read third time and passed.

Mr. Duggan made the following report :

The committee on Enrolled Bills, have examined an act making appropriations to pay the several assessors and collectors of taxes for taking the census of their respective counties for the year 1851; and

An act concerning surveys of land.

Which are correctly enrolled, and were this day submitted to the Governor for his signature.

A bill for the relief of James Gross, Henderson Lofton, Landon Walker and Henderson Walker; read first time, and, on motion of Mr. Taylor, the rule was suspended, bill read second time, and referred to the committee on Public Lands.

A bill for the relief of the heirs of Barnard O'Dogherty; read first time, and, on motion of Mr. Parker, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Merriman, the rule was further suspended, bill read third time and passed.

A bill for the relief of James Walker, William C. Walker and James Watson; read first time, and, on motion of Mr. Parker, the rule was suspended, bill read second time, and referred to the committee on Private Land Claims.

A bill for the relief of James S. Ridgway; read first time, and, on motion of Mr. Parker, the rule was suspended, bill read second time, and referred to the committee on Public Lands.

A bill for the benefit of the heirs of James and William Mur-

phy; read first time, and, on motion of *Mr. Duggan*, the rule was suspended, bill read second time, and passed to third reading.

On motion of *Mr. Duggan*, the rule was further suspended, bill read third time and passed.

A bill to attach the county of Presidio to the county of El Paso for judicial purposes; read first time.

On motion of *Mr. Armstrong*, the rule was suspended, bill read second time, and passed to third reading.

On motion of *Mr. Doane*, the rule was further suspended, and bill read third time and passed.

A bill to admit *William J. M. Whaley* and *Webster Flanagan* to practice law in the several courts of the State; read first time.

A bill for the relief of *Pamelia Allen*; read first time.

On motion of *Mr. Williams*, the rule was suspended, and the bill read second time, and passed to third reading.

On motion of *Mr. Williams*, the rule was further suspended, and bill read third time and passed.

A bill supplementary and amendatory of an act for the relief of the colonists of *Mercer's* colony, of date February 2, 1850; read first time.

On motion of *Mr. Bogart*, the rule was suspended, and bill read second time, and referred to the committee on Private Land Claims.

A bill to make an appropriation to pay *A. H. Stafford* for capturing an escaped convict and conveying him to the Penitentiary; read first time.

A joint resolution authorizing and requiring the Treasurer of the State to pay *A. J. Hamilton* the sum of fifteen hundred dollars, as counsel for the State; read, and passed to third reading.

On motion of *Mr. Ford*, the rule was suspended, and bill read third time, and passed by a constitutional majority.

A message was received from the House, informing the Senate that the House had passed the following bills originating in that body, to wit:

A bill authorizing the issuance of patents to settlers in *Castro's* colony, whose claims may have been located in two surveys;

A bill for the relief of *Eldridge Mallard*, *Alfred Franklin Mallard*, *James Jefferson Mallard* and *Henry Benjamin Cole*;

A bill for the relief of the heirs of *Samuel T. Sheffield*;

A bill for the relief of the heirs of *William Colwell, senior*, deceased; and

A bill for the relief of *John Blair*.

Mr. Eddy introduced a bill supplementary to an act to define the time of holding the district courts in the several districts therein named, approved February, 1852; read first time.

On motion of Mr. Eddy, rule suspended, and bill read second time, and ordered to be engrossed.

On motion of Mr. Eddy, rule further suspended, and bill read third time and passed.

A bill for the relief of John E. Linn ; read, and passed to third reading; and, on motion of Mr. Williams, the rule was suspended, and bill read third time and passed.

A bill to incorporate the Lavaca Navigation company ; read.

Mr. Wilson offered the following amendment, which was adopted :

4th section, in third and fourth lines, after the word "bays," strike out "and the tributaries of the latter."

5th section, in eleventh line, after the word "of," strike out the word "the," and insert "every," and after the word "useful," in same line, strike out "or owner," and insert "drawing four feet and over."

The bill was then passed to third reading.

On motion of Mr. Wilson, the rule was suspended, and bill read third time, and passed by a constitutional majority.

The report of the committee on Public Debt, on the petitions of Norman Hurd, E. W. Moore, F. A. Kelman, D. C. Freeman, A. Adams, and of James Hamilton, was taken up, read and adopted.

A bill to incorporate the Dallas Bridge and Plank Road company; read, and passed to third reading.

On motion of Mr. Bogart, the rule was suspended, and bill read third time, and passed by a constitutional majority.

A bill authorizing the Governor to obtain a portrait of George Washington, belonging to the State, and now in the city of Houston ; read.

On motion of Mr. Hill, the words "H. Hill," in first section, were stricken out, and the words "H. R. W. Hill" inserted in lieu thereof.

The bill was then passed to third reading.

On motion of Mr. Hill, the rule was suspended, and bill read third time and passed.

A bill to define more correctly the boundaries of San Patricio county ; read second time.

On motion of Mr. Bigelow, the rule was suspended, and bill read third time and passed.

On motion of Mr. Meusebach, the Senate adjourned until to-morrow morning 9 o'clock.